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May 4, 2023

Via Email and U.S. Mail

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Re: Request for evaluations of Plaintiffs with Dr. Butz under Fed. R. Civ. Pro. 35
Caekaert & Mapley v. Watchtower Bible and Tract Society of New York, Inc., et al.
Rowland & Schulze v. Watchtower Bible and Tract Society of New York, Inc., et al.

Dear Brett,

Thank you for your April 26, 2023 letter regarding the Defendants' Rule 35 examination of our clients. Prior to the commencement of the proposed exams, Plaintiffs would like to memorialize agreements regarding the time, place, manner, conditions, and scope of the examinations.

Recordation:

It looks like we agree that audio recordation will occur during portions of the exams. Dr. Butz says he will record portions of the exams that do not violate copyright laws or test security. We understand that means the interview portion of the exams (social history and mental status) will be recorded, and the testing portion of the exams will not be recorded. Please confirm.

Timing and Scope:

As to the manner, conditions, and scope of the examination, we would like further clarification on how long Dr. Butz anticipates for each part of the examinations, and whether he is planning to complete each exam in one day. We believe it is important to ensure our clients are adequately rested prior to the testing portion of the exams. For example, Dr. Holmberg conducted the interview/history portion of the IME on one day, and then to give the clients adequate time to be

May 4, 2023

Page 2

mentally refreshed, the testing portion was conducted another day. Depending on how long Dr. Butz anticipates the interview portions taking, we may need to request that the testing portion take place the next day. Additionally, we would like to know how long Dr. Butz anticipates the actual testing portion will last.

Further, because our clients have been thoroughly questioned about all prior instances of sexual assault and sexual abuse, we don't think it is necessary or appropriate to make our clients retread the details of that history. Therefore, we would propose that Dr. Butz rely on the Plaintiffs' discovery answers and deposition testimony regarding past sexual assaults and sexual abuse without forcing them to retread every detail of that history again. We certainly understand that Dr. Butz may want to ask follow-up questions about their previous testimony. We would just like an agreement that he will not ask them to walk through every instance of abuse again because it is highly traumatizing and unnecessary at this point. Please let us know Dr. Butz's thoughts on this issue.

Accommodations:

We appreciate Dr. Butz's willingness to accommodate our clients with breaks. We are happy to provide further clarification on how Dr. Holmberg accommodated our clients during their exams. Mrs. Schulze required the most accommodations. Her therapist was in the room while the interview and social history portions were conducted. Mrs. Schulze was frequently disassociating, and her therapist was there to identify when it was happening and to request a break for Mrs. Schulze, or assist in grounding her to make sure she stayed psychologically present for the interview. That said, so long as adequate breaks are provided, we are not requesting that Mrs. Schulze's therapist be present in the room during Dr. Butz's exam.

The rest of the clients were given breaks about every 30-45 minutes, or as needed, during Dr. Holmberg's exams. So long as the interview portions of Dr. Butz's exams do not include an exhaustive retreading of each and every incident of sexual abuse, and will not be excessively long, a break every 45 minutes (or as otherwise needed by the particular Plaintiff) will be satisfactory.

Location of Mrs. Caekaert's IME:

As far as the location of Mrs. Caekaert's exam goes, we do not know when she will be healthy enough to travel. While we are hopeful with time and treatment she will improve, it is hard to know when and if she will be cleared to travel. If she is healthy enough and cleared for travel by her doctors prior to the discovery deadline, we will get her here for the exam. If not, we will need to look into having Dr. Butz travel to her, or doing her exam remotely as Dr. Holmberg did.

Ms. Mapley's IME:

It appears we have a disagreement regarding the burden and justification of requiring Ms. Mapley to travel to Montana for her exam. While we understand that it is Dr. Butz's preference to conduct the IME in person, we do not think that it justifies the burden it would create. Dr.

May 4, 2023

Page 3

Holmberg was able to set up a proctored and secured environment for all portions of his exam, including the testing; we feel that the same is attainable here.

We appreciate your willingness to send Dr. Butz to Australia and that will be preferable to having Ms. Mapley travel to Montana. If we are unable to reach an agreement on this matter, and the Court orders that Ms. Mapley's IME must be conducted in person, we will arrange for Dr. Butz to go to Australia.

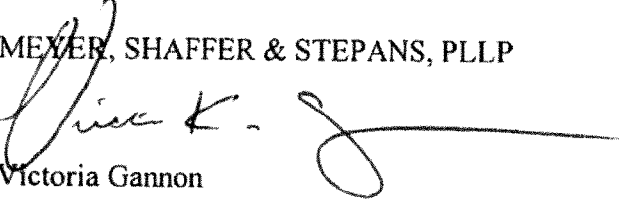
Next Steps:

Once we hear back from you and Dr. Butz regarding our questions above, we would like to memorialize all areas of agreement, and any areas of disagreement that will need to be resolved by the Court, for each of the Plaintiffs' exams.

When we last spoke with Ariane Rowland, she was available for her exam on June 2nd in Billings. However, prior to finalizing that exam date, we need to memorialize our agreement as described above.

Sincerely,

MEXER, SHAFFER & STEPANS, PLLP


Victoria Gannon